



How Erratic Schedules Penalize Workers - and What Can be Done to Make Jobs and Family Life More Predictable

Naomi Gerstel, University of Massachusetts-Amherst

For decades, work-family activists have pressed for policies to give workers flexibility. Some workers, most of them relatively affluent, have seen gains. They have won the ability to adjust their schedules, to choose how many days a week to work, and even to work from home. But as my colleague Dan Clawson and I document in our new book, *Unequal Time*, many employers in the United States are turning the concept of work schedule flexibility on its head. For employers using disturbing new tactics, “flexibility” means that employees – especially low-wage workers – must come in whenever the boss wants and can be sent home whenever demand is slack.

Unpredictable Schedules and Insufficient Hours

News stories have featured the chaotic schedules of young people working in retail, cleaning, and fast food jobs – many of whom must come to work with just one day’s notice or work split shifts. About a third of young adults do not know their schedule more than a week in advance. But similar problems are faced by workers of all ages. Unpredictable schedules are becoming the new normal for many U.S. employees – ranging from low-wage nursing assistants to well-paid physicians. In the retail and health care sectors, many workers must call in the night before to find out if they will be needed – and if they will earn the wages they have counted on getting. At a nursing home we studied, for example, one out of three shifts turned out to be different from the official schedule planned in advance.

Hit hardest are low-wage workers and women of color – frequently women who are single mothers. Understandably, the workers affected by so much unpredictability often experience stress, conflicts, and health problems. Low-wage employees cannot afford to pay for high-quality child care or care for elderly family members – a problem made worse when they must go to work at odd hours. These workers often do not get any vacation time, another workplace perk that is increasingly available only to the most privileged employees. On a daily and weekly basis, low-wage workers can find themselves pulled away from full participation in family and community life. Worse, most cannot take time off when they are sick or when their children or elderly relatives fall ill. The U.S. Family and Medical Leave Act requires that larger firms allow such time to be taken on an unpaid basis, but roughly a quarter to half of private firms illegally disregard the law’s provisions.

Erratic scheduling creates a cascade of disruptions. Talking with health care workers, we tracked the “web of time” – the ways a change in one person’s schedule (for example, a doctor) affects others tied to that person (such as a nursing assistant or a spouse). In turn, those changes upset schedules for still other people (such as a day-care worker or an aunt who is taking care of the nursing assistant’s children and is now late for her own job).

Why are Workplace Rules Becoming More Erratic?

Employers have made workplaces more unpredictable because they can often act unimpeded – especially in the United States, given union decline and weak government regulation.

- Many employers now keep staff to a minimum to save money and increase profits. Organizations hire workers for 24 to 32 hour shifts so those employees can be compelled to take an extra shift offered at the last minute. Or employers hire temps, in effect outsourcing hiring to an industry whose very existence depends on unpredictability.
- The 9-to-5, Monday-to-Friday work week is disappearing, as more organizations operate nights and weekends. Minority workers who earn low wages often must take such shifts.
- New technologies facilitate just-in-time-scheduling. Sophisticated software from companies like Kronos and Oracle lets employers divide work into brief segments, so workers can be sent home early or asked to stay late with little notice. Email and cell phones allow workers to be summoned day or night.

Protecting Workers and Families

How can workers be given more control over the timing of job obligations? Enforcing the Family and Medical Leave Act would help some employees. For others, new national, state, and local laws are gaining traction. In Congress, Senators Elizabeth Warren and Tom Harkin and Representatives George Miller and Rosa DeLauro introduced the Schedules That Work Act to limit fluctuations and require advance notice about schedules, with guaranteed extra pay if shifts are cancelled at the last minute. Meanwhile, some states and cities are acting on their own:

- Eight states have passed laws that require employers to pay for minimum hours even if the employer sends the worker home early.
- In San Francisco, a Retail Workers Bill of Rights requires at least two weeks' notice for schedules, pay for changes made with less than a week notice, and pay for on-call workers. A similar bill in Massachusetts would require at least three weeks' notice and mandate that workers get at least 11 hours between shifts or earn pay-and-a-half wages.
- Imitating laws in Europe, Australia, and New Zealand, the state of Vermont and the cities of Berkeley and San Francisco have given workers the "right to request" changes in work hours, schedules, or location, with legal protection from retaliation.

Policies along these lines should be extended to more jobs and workers – especially to low-wage workers, for whom gaining more control over job timing would be a step forward, even if total hours and compensation still leave them unable to provide fully for their families. We hear a lot about growing income gaps, yet growing time inequality is also a grievous problem. Progress is happening, but it faces growing resistance. For example, even as four states and a dozen cities have mandated paid sick leaves, another ten state legislatures – urged on by business lobbies – have passed "preemption laws" to block cities and counties from taking such steps. Ultimately, nationwide rules will be needed to make workplaces more humane and family-friendly in the United States and many other nations.

Read more in Dan Clawson and Naomi Gerstl, *Unequal Time* (Russell Sage, 2014).